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May 15, 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re/ application of Zahir Saidi and Boris Klyashchitsky
U.S. Application No. 10/019,100
Filed on December 20, 2001
PCT Application No. PCT/US99/14351
International Filing Date June 24, 1999
Priority Date June 26, 1998

AQUEOUS COMPOSITIONS CONTAINING
CORITICOSTEROIDS FOR NASAL AND PULMONARY DELIVERY

(Atty. Docket No. P24,800-A USA)

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this document, along with any papers indicated as being enclosed, are being deposited on May 15, 2002 with the United States Postal Service in an envelope marked "Express Mail Post Office to Addressee," Mailing Label No. EV 122870797 US addressed to: Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, Attn: Office of PCT Legal Administration.

5-15-02
Date


Ryan P. White

Assistant Commissioner for Patents
Box PCT
Washington, DC 20231
ATTN: Office of PCT Legal Administration

RENEWED PETITION UNDER 37 CFR § 1.137(b)

Sir:

It is hereby petitioned that the "Decision on Petition under 37 CFR 1.137(b)"

U.S. Application No. 10/019,100
Based on International Appl. No. PCT/US99/14351
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(hereinafter "the Decision"), dated April 26, 2002, be reconsidered and that applicants' previously submitted Petition Under 37 CFR § 1.137(b), dated December 20, 2001, be granted. Applicants' Petition requested revival of a U.S. patent application that had been abandoned by virtue of the unintentional failure to file timely an express Request that the U.S. national stage of processing be commenced pursuant to 35 U.S.C. § 371.

The Decision indicates that applicants' Petition was dismissed without prejudice.

It is submitted respectfully that the aforementioned Decision is based on the incorrect premise that LDS Technologies, Inc. (hereafter "LDS"), the applicant named in the involved PCT application, and not Elan Corporation, plc was responsible for the U.S. patent application when it went abandoned on December 26, 2000. The Decision indicates that information is needed from LDS to establish that the abandonment was unintentional.

It is submitted respectfully that such information is not relevant, however, to the issue hereof because, at the time of the abandonment and for several months prior to the abandonment, LDS had no interest in the application and was not responsible for it. The deadline for filing the aforementioned Request to commence the U.S. national stage of processing expired on December 26, 2000. This deadline was allowed unintentionally to pass without filing the Request. LDS transferred its interest in the application on August 15, 2000 to Athena Neurosciences, Inc., a wholly owned subsidiary of Elan Corporation, plc (hereafter "Elan"), on whose behalf the Petition was filed.

Accordingly, Elan was responsible for the application from August 15, 2000 to the date on which the application was abandoned on December 26, 2000 and during the

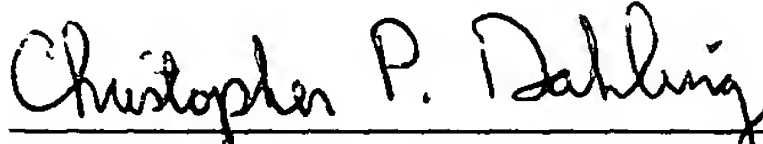
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entire term (starting December 26, 2000 and ending on December 20, 2001) of the delay associated with the filing of the Request and the filing of applicants' Petition. As set forth in the Petition, the entire delay was unintentional. That delay is attributable to Elan and not to LDS.

An early and favorable decision is requested respectfully.

Respectfully submitted,



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